

ESTTA Tracking number: **ESTTA190985**

Filing date: **02/06/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Enrich Software Corp.
Granted to Date of previous extension	02/06/2008
Address	2681 Hochwald Court S.W. Calgary, Alberta, T3E 7M3 CANADA
Party who filed Extension of time to oppose	Richer Systems Group Inc.
Relationship to party who filed Extension of time to oppose	Richer Systems Group Inc. has assigned its trademark ENRICH, and all rights in that part of its business that pertain to its trademark ENRICH, to Enrich Software Corp., its wholly owned subsidiary, by assignment dated February 5, 2008, made effective January 1, 2008.

Attorney information	Theodore D. Lienesch Thompson Hine LLP 2000 COURTHOUSE PLAZA, NE P.O. Box 8801 Dayton, OH 45401-8801 UNITED STATES Trademarks@thompsonhine.com, Ted.Lienesch@thompsonhine.com Phone:937-443-6958
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### Applicant Information

Application No	77152652	Publication date	10/09/2007
Opposition Filing Date	02/06/2008	Opposition Period Ends	02/06/2008
Applicant	Ucompass.com, Inc. Suite 203 3019 Shannon Lakes North Tallahassee, FL 32309 UNITED STATES		

### Goods/Services Affected by Opposition

Class 042. First Use: 2006/12/31 First Use In Commerce: 2007/02/19

All goods and services in the class are opposed, namely: Computer service, namely, acting as an application service provider in the field of knowledge management to host computer application software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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## Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2491101	Application Date	09/18/1998
Registration Date	09/18/2001	Foreign Priority Date	NONE
Word Mark	ENRICH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1994/05/00 First Use In Commerce: 1997/06/12 SOFTWARE FOR MAINTENANCE OF EQUIPMENT, NAMELY, VEHICLES AND ROLLING STOCK; MANAGEMENT SYSTEM SOFTWARE, NAMELY, SOFTWARE FOR ADMINISTERING, TRACKING, MONITORING AND MANAGING FIXED ASSETS, INVENTORY, VEHICLES, AND ROLLING STOCK, AND RELATED DOCUMENTATION		

Attachments	75555271#TMSN.gif ( 1 page )( bytes ) DAYTON-#514165-v1-GowIEnrichNoO.pdf ( 5 pages )(91607 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Theodore D. Lienesch/
Name	Theodore D. Lienesch
Date	02/06/2008

1. Enrich Software Corp. (“Opposer”) is a wholly owned subsidiary of Richer Systems Group Inc. and is assignee of that part of the business of Richer Systems Group Inc. pertaining to the ENRICH trademark and U.S. Registration No. 2491101, effective January 1, 2008. Therefore, Enrich Software Corp. is in privity with Richer Systems Group Inc., the entity granted the extensions of time to oppose registration of application Serial No. 77152652, and can bring this opposition in its own name. 37 C.F.R. § 2.102 (b), TBMP § 303.05(b).
2. Opposer is in the business of providing software useful in enterprise resource planning, particularly in the transportation industry. Such software is used to manage all of the data elements and provide reporting tools for such aspects of a business enterprise as equipment maintenance and materials, asset management, contracts, fuel billing, fuel tax processing, customer Web access, financial management, ad hoc reports and data analysis tools, transportation operations and warehouse management. Opposer’s software is provided to customers to run on customer computer systems (“Opposer’s Goods”), and Opposer provides such functionality to its customers from its Web site as an application service provider (“ASP”) (“Opposer’s Services”; Opposer’s Goods and Opposer’s Services collectively referred to as “Opposer’s Goods and Services”).
3. Opposer is the owner of U.S. Registration No.2491101, issued September 18, 2001, for ENRICH (“Opposer’s Trademark”) for software for maintenance of equipment, namely, vehicles and rolling stock, management system software, namely, software for administering, tracking, monitoring and managing fixed assets, inventory, vehicles and rolling stock, and related documentation in

- International Class 9 (“Opposer’s Registration”). Opposer, through predecessors-in-interest, has been using Opposer’s Trademark in connection with the advertising and marketing of Opposer’s Goods and Services throughout the United States. Such use of Opposer’s Trademark in connection with Opposer’s Goods has been continuous and exclusive since at least as early as May, 1994, and has been continuous and exclusive with respect to Opposer’s Services since prior to 2006.
4. Opposer’s Trademark symbolizes the extensive goodwill, reputation and consumer recognition built up by Opposer and Opposer’s predecessors-in-interest through substantial time, money and effort spent in advertising and promoting Opposer’s Goods and Services, and establishing Opposer’s Trademark in the minds of purchasers. As a result, Opposer’s Trademark has become, through widespread and favorable public acceptance and recognition, an asset of substantial value as a symbol of Opposer, its quality products and services, and its goodwill. Accordingly, Opposer’s Trademark has become so associated with Opposer that Opposer’s Trademark identifies Opposer.
  5. Ucompass.com, Inc. (“Applicant”) seeks to register the trademark ENRICH (“Applicant’s Trademark”) for “Computer service (sic), namely, acting as an application service provider in the field of knowledge management to host computer application software for the collection, editing, organizing, modifying, book marking (sic), transmission, storage and sharing of data and information.” in International Class 42 (“Applicant’s Services”).

6. The application for Applicant's Trademark was filed April 10, 2007 based upon alleged use beginning December 31, 2006 and in U.S. commerce beginning February 19, 2007 and given Serial No. 77152652 ("Applicant's Application"). Opposer has been using Opposer's Trademarks in commerce in connection with Opposer's Goods and Services since well prior to such filing date and such use dates.
7. Applicant's Services are at least related to Opposer's Goods in that Opposer's Goods perform the function of knowledge management to host computer application software for the collection, editing, organizing, modifying, bookmarking, transmission, storage and sharing of data and information. Applicant's Services are provided as an ASP, as are Opposer's Services, and Opposer's Services also perform the function of knowledge management to host computer application software for the collection, editing, organizing, modifying, bookmarking, transmission, storage and sharing of data and information.
8. Applicant's Trademark is identical to Opposer's Trademark. When Applicant's Services and Opposer's Goods and Services are taken into consideration, Applicant's Trademark points uniquely and unmistakably to Opposer as an identifier of its corporate identity or persona, rather than as an identifier of the actual source of Applicant's Services.
9. Applicant's Trademark falsely suggests a connection between Applicant and Opposer. Applicant's Trademark is likely to cause purchasers to draw false conclusions about the nature or quality of Applicant's Services under

circumstances where such a conclusion will be material to the purchaser's deliberations regarding the purchase of such services.

10. The goodwill of Opposer's business under Opposer's Trademark is of substantial value, and Opposer will suffer irreparable harm should Applicant be permitted to use and register Applicant's Trademark for Applicant's Services.

11. If Applicant is permitted to use and register Applicant's Trademark in association with Applicant's Services, confusion in the trade resulting in damage and injury to Opposer would likely result by reason of the identity between Applicant's Trademark and Opposer's Trademark.

WHEREFORE, Opposer respectfully requests that the Board sustain this opposition in all respects and refuse registration of Applicant's Trademark, application Serial No. 77162652.

Respectfully submitted,

THOMPSON HINE LLP

By: /Theodore D. Lienesch/  
Theodore D. Lienesch  
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**Certificate of Service**

I hereby certify that a true copy of the forgoing Notice of Opposition was served on applicant by first class mail, postage prepaid, addressed to William H. Hollimon, Pennington Moore Wilkinson Bell & Dunbar, 215 S. Monroe St., Fl 2, Tallahassee, FL, 32301-1839, this 6th day of February, 2008.

By: /Theodore D. Lienesch/